

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

BRENDA J. DAVID,

Plaintiff-Appellant,

v.

No. 99-2275

KENNETH S. APFEL, COMMISSIONER OF  
SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
Claude M. Hilton, Chief District Judge.  
(CA-98-991-A)

Submitted: February 15, 2000

Decided: March 21, 2000

Before MOTZ and KING, Circuit Judges,  
and BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Emily J. Kaufmann, LEGAL SERVICES OF NORTHERN VIRGINIA, INC., Falls Church, Virginia, for Appellant. James A. Winn, Regional Chief Counsel, Patricia M. Smith, Deputy Chief Counsel, Nora R. Koch, Assistant Regional Counsel, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania; Helen F. Fahey, United States Attorney, Leslie

McClendon, Assistant United States Attorney, Richmond, Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

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## OPINION

### PER CURIAM:

Appellant Brenda J. David appeals from the denial of Social Security disability benefits. We affirm.

David suffers from an injured back and multiple diseases, including lupus and diabetes. In 1994, she applied for Social Security disability benefits. After a hearing on this application, an administrative law judge ("ALJ") found that David is impaired as a result of her numerous disorders but that she is nonetheless capable of performing sedentary work. Based on this finding, the ALJ concluded that David is not eligible for disability benefits.

David sought review of this determination in the district court. The case was referred to a magistrate judge, who recommended that summary judgment be granted in favor of the Commissioner. The district court overruled David's exceptions, adopted the report and recommendation of the magistrate judge, and granted summary judgment to the Commissioner. David appealed to this Court.

David initially challenges the ALJ's finding that she has no significant non-exertional limitations. She contends that this finding overlooked her inability to stoop, her chronic eructation (belching), and her muscle spasms. The record, however, contains substantial evidence establishing that David is not incapable of stooping and that her eructation does not limit her capacity to work. See Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990) (noting that ALJ's findings must be upheld if supported by substantial evidence). Moreover, the ALJ

accounted for David's spasms in his finding that she can only do sedentary work.

David also faults the ALJ for discounting her testimony about the amount of pain she was experiencing. The record, however, does not contain evidence of medical conditions that could account for the degree of pain described by David. See Craig v. Chater, 76 F.3d 585, 591 (4th Cir. 1996). Furthermore, David's own testimony at the hearing indicated that though she may be limited by her pain, she is not disabled by it.

For these reasons, we affirm the district court's decision adopting the recommendation of the magistrate judge to grant summary judgment to the Commissioner. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED